

AMENDED IN ASSEMBLY APRIL 24, 2002

AMENDED IN ASSEMBLY APRIL 16, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 2624**

**Introduced by Assembly Member John Campbell**

(Principal coauthor: Senator Margett)

February 21, 2002

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An act to amend *Section 21266 of, and to amend and repeal Section 21260 of, and to add ~~Section 21261~~ Sections 21261 and 21262* to, the Vehicle Code, relating to low-speed vehicles, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2624, as amended, John Campbell. Low-speed vehicles.

Existing law prohibits, subject to exception, the operation of a low-speed vehicle on any roadway with a speed limit in excess of 35 miles per hour. Existing law also regulates the traversing of intersections by low-speed vehicles. Violations of the provisions are infractions.

This bill would prohibit, subject to exception ~~and~~ subject to the analysis, reporting, recommendations, and regulations of the *Department of the California Highway Patrol*, as specified, *and contingent upon adoption of specified regulations by the Department of the California Highway Patrol*, the operation of a low-speed vehicle on any roadway with a speed limit in excess of 25 miles per hour. ~~This bill,~~ *and* would also revise the provisions regulating the traversing of

intersections by low-speed vehicles. *The bill would also repeal the described existing provisions of law, contingent upon adoption of specified regulations by the Department of California Highway Patrol.*

By changing the definitions of an existing provision, the violation of which is a crime, this bill would impose a state-mandated local program.

This bill would require the Department of the California Highway Patrol to analyze on an ongoing basis the patterns of registration and operation, and the safety of operation, of low-speed vehicles and to prepare and submit to the Legislature, no later than September 1, 2003, a report evaluating the safety of low-speed vehicle operations, as specified, and to make recommendations in connection therewith.

This bill would authorize a city, county, or city and county to adopt a Low-Speed Vehicle Community Access Plan to permit operation of low-speed vehicles within their respective jurisdictions, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—Section 21260 of the Vehicle Code is amended~~

2 *SECTION 1. Section 21260 of the Vehicle Code is amended to*

3 *read:*

4 21260. (a) Except as provided in paragraph (1) of  
5 subdivision (b), the operator of a low-speed vehicle shall not  
6 operate the vehicle on any roadway with a speed limit in excess of  
7 35 miles per hour.

8 (b) (1) The operator of a low-speed vehicle may cross a  
9 roadway with a speed limit in excess of 35 miles per hour if the  
10 crossing begins and ends on a roadway with a speed limit of 35  
11 miles per hour or less and occurs at an intersection of  
12 approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

*(c) This section shall be repealed if the Department of the California Highway Patrol issues a regulation pursuant to subdivision (e) of Section 21261 containing findings that the low-speed vehicle operating rules contained in Section 21260 have not been proven to protect occupants of low-speed vehicles from the unreasonable risk of injury, and that it is necessary and appropriate for the low-speed vehicle operating rules contained in Section 21262 to become operative, in which case this section shall be repealed on the operative date of the regulation.*

SEC. 2. Section 21261 is added to the Vehicle Code, to read:  
21261. (a) The Department of the California Highway Patrol shall analyze on an ongoing basis the patterns of registration and operation, and the safety of operation of low-speed vehicles in the state.

(b) The Department of California Highway Patrol shall prepare and submit to the Legislature, on or after September 1, 2003, a report that evaluates the safety of low-speed vehicles operations in the state, including, but not limited to, the effectiveness of Section 21260 and other applicable statutes and regulation providing safe operating rules for low-speed vehicles and their occupants.

(c) The Department of the California Highway Patrol may prepare and submit any additional reports to the Legislature as it deems necessary to keep the Legislature appropriately apprised of the safety of low-speed vehicle operations in the state.

(d) Each report prepared and submitted by the Department of the California Highway Patrol shall be prepared in consultation with the Department of Transportation and shall set forth any recommended amendments to statutes or regulations providing low-speed vehicle operating rules or safety standards.

(e) Based on the evaluation in its initial report or any of its subsequent reports, and in accordance with all relevant requirements of the Administrative Procedures Act, the Department of the California Highway Patrol may propose and issue a regulation containing findings on whether the low-speed

operating rules contained in Section 21260 adequately protect occupants of low-speed vehicles from an unreasonable risk of injury and, if not, whether the operating rules contained in Section 21262 should become operative in place of the operating rules in Section 21260.

SEC. 3. Section 21262 is added to the Vehicle Code, to read:

21262. (a) Except as provided in subdivision (b) and paragraph (1) of subdivision (c), the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 25 miles per hour.

(b) A local law enforcement agency with primary traffic enforcement responsibilities or the Department of the California Highway Patrol may designate a roadway under that agency's or department's jurisdiction for use by low-speed vehicles if the roadway has a speed limit in excess of 25 miles per hour but not in excess of 35 miles per hour. The designation may be made only when the agency or the department determines that the operation of low-speed vehicles on the roadway is both necessary to provide access to critical service, and is in the interest of public safety. The designation shall become effective when appropriate signs giving notice thereof are erected upon the roadway.

(c) (1) The operator of a low-speed vehicle may cross a roadway with speed limit of 45 miles per hour or less if the crossing begins and ends on a roadway authorized for use by low-speed vehicles, and when crossing a roadway that is not authorized for use by low-speed vehicles, the intersection is controlled by stop signs or traffic signals.

(2) Notwithstanding paragraph (1), a local law enforcement agency with primary traffic enforcement responsibilities or the Department of the California Highway Patrol may prohibit the operator of a low-speed vehicle from traversing an intersection under that agency's or department's jurisdiction when the agency or the department deems the prohibition to be in the best interest of public safety. Any prohibition shall become effective when appropriate signs giving notice thereof are erected at the crossing.

(d) (1) It is the intent of the Legislature to provide a process for communities to establish a system of roadways authorized for use by low-speed vehicles as an alternative to authorizing allowable segments pursuant to subdivision (b) on a case-by-case basis. It is further the intent of the Legislature that the alternative set forth in

1 *this subdivision will foster and promote the integration of*  
2 *low-speed vehicles within communities.*

3 (2) *A city, county, or city and county, may adopt, as an*  
4 *alternative to the exceptions to the maximum speed limited*  
5 *provided in subdivision (b) and paragraph (1) of subdivision (c),*  
6 *a Low-Speed Vehicle Community Access Plan to permit low-speed*  
7 *vehicles traverse highways, including eligible segments of state*  
8 *highways, incorporated within the plan area in the jurisdiction of*  
9 *the city, county, or city and county.*

10 (3) *The city, county, or city and county shall adopt the plan by*  
11 *ordinance or resolution.*

12 (4) *The plan shall be subject to prior review and comments by*  
13 *any agency having traffic safety responsibility on the roadway or*  
14 *highway segments within the city, county, or city and county.*

15 (5) *In adopting a plan, a city, county, or city and county shall*  
16 *make the following findings:*

17 (A) *That the roadways or highways contained within the plan*  
18 *area are subject to a maximum speed limit of 35 miles per hour or*  
19 *less.*

20 (B) *That the operation of low-speed vehicles on the roadway,*  
21 *and highway network contained within the plan area is necessary*  
22 *to provide access to critical services or important community*  
23 *amenities.*

24 (C) *That the plan is developed in the interest of public safety.*

25 (6) *In addition to the required findings set forth in paragraph*  
26 *(5), a city, county, or city and county may also make findings that*  
27 *the development and adoption of a plan is intended to promote and*  
28 *foster the integration of low-speed vehicles into the community's*  
29 *transportation system.*

30 (7) *A city, county, or city and county that adopts a plan shall*  
31 *plainly mark through placement of appropriate signs, markers, or*  
32 *traffic control devices, the eligible network of roadways for*  
33 *permitted travel by low-speed vehicles.*

34 (8) *Nothing in subdivision (d) shall restrict low-speed vehicles*  
35 *from traveling on roadway segments with designated maximum*  
36 *speed limits of 25 miles per hour nor prohibit the operator of a*  
37 *low-speed vehicle from crossing a roadway with a speed limit of*  
38 *45 miles per hour or less, as provided in paragraph (1) of*  
39 *subdivision (c).*

(e) This section shall only become operative if the Department of the California Highway Patrol issues a regulation pursuant to subdivision (e) of Section 21261 containing findings that the low-speed vehicle operating rules contained in Section 21260 have not proved to protect occupants of low-speed vehicles from an unreasonable risk of injury, and that it is necessary and appropriate for the low-speed vehicle operating rules contained in Section 21262 to become operative, in which case this section shall become operative on the operative date of the regulation.

SEC. 4. Section 21266 of the Vehicle Code is amended to read:

(a) Notwithstanding Section 21260, or Section 21262 should that section become operative, local authorities, by ordinance or resolution, may restrict or prohibit the use of low-speed vehicles.

(b) Notwithstanding Section 21260, or Section 21262 should that section become operative, a local law enforcement agency with primary traffic enforcement responsibilities or the Department of the California Highway Patrol may prohibit the operation of a low-speed vehicle on any roadway under that agency's or department's jurisdiction when the agency or the department deems the prohibition to be in the best interest of public safety. Any such prohibition shall become effective when appropriate signs giving notice thereof are erected upon the roadway.

to read:

~~21260. (a) Except as provided in subdivision (b) and paragraph (1) of subdivision (c), and in Section 21261, and subject to the provisions of subdivision (d), the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 25 miles per hour.~~

~~(b) A local law enforcement agency with primary traffic enforcement responsibilities or the Department of the California Highway Patrol may designate a roadway under that agency's or department's jurisdiction for use by low-speed vehicles if the roadway has a speed limit in excess of 25 miles per hour but not in excess of 35 miles per hour. The designation may be made only when the agency or the department determines that the operation of low-speed vehicles on the roadway is both necessary to provide access to critical services, and is in the interest of public safety. The~~



1 ~~designation shall become effective when appropriate signs giving~~  
2 ~~notice thereof are erected upon the roadway.~~

3 ~~(e) (1) The operator of a low-speed vehicle may cross a~~  
4 ~~roadway with a speed limit of 45 miles per hour or less if the~~  
5 ~~crossing begins and ends on a roadway authorized for use by~~  
6 ~~low-speed vehicles, and when crossing a roadway that is not~~  
7 ~~authorized for use by low-speed vehicles, the intersection is~~  
8 ~~controlled by stop signs or traffic signals.~~

9 ~~(2) Notwithstanding paragraph (1), a local law enforcement~~  
10 ~~agency with primary traffic enforcement responsibilities or the~~  
11 ~~Department of the California Highway Patrol may prohibit the~~  
12 ~~operator of a low-speed vehicle from traversing an intersection~~  
13 ~~under that agency's or department's jurisdiction when the agency~~  
14 ~~or the department deems the prohibition to be in the best interest~~  
15 ~~of public safety. Any prohibition shall become effective when~~  
16 ~~appropriate signs giving notice thereof are erected at the crossing.~~

17 ~~(d) (1) (A) The Department of the California Highway Patrol~~  
18 ~~shall analyze on an ongoing basis the patterns of registration and~~  
19 ~~operation, and the safety of operation, of low-speed vehicles in the~~  
20 ~~state.~~

21 ~~(B) The Department of the California Highway Patrol shall~~  
22 ~~prepare and submit to the Legislature, not later than September 1,~~  
23 ~~2003, a report that evaluates the safety of low-speed vehicle~~  
24 ~~operations in the state, including, but not limited to, the~~  
25 ~~effectiveness of this section and other applicable statutes and~~  
26 ~~regulations providing safe operating rules for low-speed vehicles~~  
27 ~~and their occupants~~

28 ~~(C) The Department of the California Highway Patrol may~~  
29 ~~prepare and submit any additional reports to the Legislature as it~~  
30 ~~deems necessary to keep the Legislature appropriately apprised of~~  
31 ~~the safety of low-speed vehicle operations in the state.~~

32 ~~(2) (A) Each report prepared and submitted by the Department~~  
33 ~~of the California Highway Patrol shall set forth any recommended~~  
34 ~~amendments to statutes or regulations providing low-speed~~  
35 ~~vehicle operating rules or safety standards.~~

36 ~~(B) Based on the findings in its initial report or any of its~~  
37 ~~subsequent reports, the Department of the California Highway~~  
38 ~~Patrol may adopt a regulation that prohibits the operation of~~  
39 ~~low-speed vehicles on roadways with speed limits in excess of 25~~  
40 ~~miles per hour in accord with the provisions of this section.~~

~~(3) In issuing a regulation under this section, the Department of the California Highway Patrol shall make and support findings that reasonably support any restriction of regulation.~~

~~SEC. 2. Section 21261 is added to the Vehicle Code, to read:~~

~~21261. (a) It is the intent of the Legislature to provide a process for communities to establish a system of roadways authorized for use by low-speed vehicles as an alternative to authorizing allowable segments pursuant to subdivision (b) of Section 21260 of the Vehicle Code on a case-by-case basis. It is further the intent of the Legislature that the alternative set forth in this section will foster and promote the integration of low-speed vehicles within communities.~~

~~(b) A city, county, or city and county, may adopt, as an alternative to the exceptions to the maximum speed limited provided in subdivision (b) and paragraph (1) of subdivision (c) of Section 21260, a Low-Speed Vehicle Community Access Plan to permit low-speed vehicles to traverse highways, including eligible segments of state highways, incorporated within the plan area in the jurisdiction of the city, county, or city and county.~~

~~(c) The city, county, or city and county shall adopt the Low-Speed Vehicle Community Access Plan by ordinance or resolution.~~

~~(d) The following terms are defined for purposes of this section:~~

~~(1) "Plan" means Low-Speed Vehicle Community Access Plan.~~

~~(2) "Low-speed vehicle" means that class of motor vehicle as defined in Section 385.5.~~

~~(e) The plan shall be subject to prior review and comments by any agency having traffic law enforcement responsibility on the roadway or highway segments within the city, county, or city and county.~~

~~(f) (1) In adopting a plan, a city, county, or city and county shall make the following findings:~~

~~(A) That the roadways or highways contained within the plan area are subject to a maximum speed limit of 35 miles per hour or less.~~

~~(B) That the operation of low-speed vehicles on the roadway and highway network contained within the plan area is necessary~~



1 ~~to provide access to critical services or important community~~  
2 ~~amenities.~~

3 ~~(C) That the plan is developed in the interest of public safety.~~

4 ~~(2) In addition to the required findings set forth in paragraph~~  
5 ~~(1), a city, county, or city and county may also make findings that~~  
6 ~~the development and adoption of a plan is intended to promote and~~  
7 ~~foster the integration of low-speed vehicles in to the community's~~  
8 ~~transportation system.~~

9 ~~(g) A city, county, or city and county that adopts a plan shall~~  
10 ~~plainly mark through placement of appropriate signs, markers, or~~  
11 ~~traffic control devices, the eligible network of roadways for~~  
12 ~~permitted travel by low-speed vehicles.~~

13 ~~(h) Nothing in this section shall restrict low-speed vehicles~~  
14 ~~from traveling on roadway segments with designated maximum~~  
15 ~~speed limits of 25 miles per hour nor prohibit the operator of a~~  
16 ~~low-speed vehicle from crossing a roadway with a speed limit of~~  
17 ~~45 miles per hour or less, as provided in paragraph (1) of~~  
18 ~~subdivision (e) of Section 21260.~~

19 ~~SEC. 3.~~

20 *SEC. 5.* No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

29 ~~SEC. 4.~~

30 *SEC. 6.* This act is an urgency statute necessary for the  
31 immediate preservation of the public peace, health, or safety  
32 within the meaning of Article IV of the Constitution and shall go  
33 into immediate effect. The facts constituting the necessity are:

34 In order that the operating environment for low-speed vehicles  
35 be made more safe at the earliest possible time, it is necessary that  
36 this act take immediate effect.